

REMARKS

Status Summary

The request for continued examination (RCE) filed on October 21, 2003, has been entered. Claims 42-59, 61-69, and 71-73 are pending in the application and were examined. Claims 42-59 and 54-59 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. A notice to comply with requirements for applications containing nucleic acid and amino acid sequences was issued together with the official action.

Claims 42, 45-52, are amended and claims 71-73 are canceled. A substitute sequence listing, including a paper copy and a computer-readable copy, and the requisite statement pursuant to 37 C.F.R. 1.821(f) are submitted herewith. The specification and claims are amended to use sequence identifiers as in the substitute sequence listing and to incorporate language suggested by the examiner with respect to 35 U.S.C. § 112, second paragraph. Reconsideration in view of the claim amendments and following remarks is respectfully requested.

Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph

Claims 42-59, 61-69 and 71-73 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. The rejection is based on noted informalities in the claims.

Claims 42, 45-52 are amended to incorporate language substantially as suggested by the examiner. With respect to claims 42, 48, and 49, the second mention of "variable domain" has been replaced with language specifying the nucleotides comprising the variable domain to clarify that leader sequence of each of SEQ ID NOs: 1, 3, 5, and 7 is not included. Claims 71, 72, and 73 are canceled as duplicative of claims 42, 48, and 49, respectively. Claims 43-44, 53-59, 61-69, and 71-73 depend from the amended claims and are believed to fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Based thereon, withdrawal of the rejection is respectfully requested.

Notice to Comply with Requirements for Applications Containing Nucleic Acid and Amino Acid Sequences

A notice to comply with requirements for applications containing nucleic acid and amino acid sequences was issued together with the official action. The previously submitted sequence fails to comply with the relevant rules because the computer-readable format copy

of SEQ ID NO:4 has only 354 nucleotides whereas the paper copy shows SEQ ID NO:4 as consisting of 411 nucleotides. The computer-readable format copy erroneously included a truncated sequence.

A substitute sequence listing, including a paper copy and a computer-readable copy, and the requisite statement pursuant to 37 C.F.R. 1.821(f) are submitted herewith. The substitute sequence listing includes a total of 39 sequences whereas the amendment filed July 25, 2000, includes a total of 35 sequences. The 4 additional sequences arise due to the separate listing of the nucleotide and amino acid sequences of former SEQ ID NOs:1-4, which now correspond to the nucleotide sequences of SEQ ID NOs: 1, 3, 5, and 7, and the amino acid sequences of SEQ ID NOs:2, 4, 6, and 8. In addition, nucleotides 118-120 of the 6G5 heavy chain variable region, which were identified as "TGG" encoding tryptophan (Trp) in SEQ ID NO:4 of the sequence listing filed July 25, 2000, are identified as "TCC" encoding serine (Ser) in SEQ ID NO:7 of the substitute sequence listing submitted herewith. The amendment is made to correct a typographical error in preparation of the sequence listing. Support for the amendment can be found in the originally filed application at the last line of page 53 and the first line of page 54. No new matter is added.

The specification is amended to insert the instant sequence listing in place of the previously filed sequence listing. The specification and claims are amended to use sequence modifiers as in the substitute sequence listing submitted herewith.

Conclusion

All rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a notice to that effect is earnestly solicited. If any points remain in issue, which the examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

PILLSBURY WINTHROP LLP



Thomas A. Cawley, Jr., Ph.D.
Registration No. 40,944

Date: April 28, 2004
P.O. Box 10500
McLean, VA 22102
(703) 905-2144 Direct Dial
(703) 905-2500 Facsimile
TAC/JBM:ntb